

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

UNITED STATES OF AMERICA,)
)
)
Plaintiff,)
)
)
v.) No. 4:16-CR-0146-DGK
)
)
CLAYTON J. DEARDORFF,)
)
)
Defendant.)

ORDER DENYING DEFENDANT'S MOTION TO SUPPRESS

Pending before the Court are Defendant's Motion to Suppress Evidence and Statement (Doc. 30), the Government's Suggestions in Opposition (Doc. 32), United States Magistrate Judge Robert Larsen's Report and Recommendation (Doc. 48), and Defendant's Objections (Doc. 49).

After reviewing the report and conducting an independent review of the applicable law and record, *see* L.R. 74.1(a)(2), the Court agrees with Judge Larsen that the officers' search of Defendant was a valid search incident to arrest. The Court also agrees that Officer Allen's question to defendant—"Is that you, a gun, or dope?"—fell within the public safety exception to the *Miranda* rule.

Accordingly, the Court ADOPTS the Report and Recommendation (Doc. 48) and DENIES Defendant's Motion to Suppress (Doc. 30).

IT IS SO ORDERED.

Date: May 22, 2017

/s/ Greg Kays
GREG KAYS, CHIEF JUDGE
UNITED STATES DISTRICT COURT